

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

MICHAEL HILD,

Defendant.

19-CR-602 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On January 27, 2023, this Court sentenced Defendant Michael Hild to 44 months' imprisonment. *See* Judgment, Dkt. 148. At the government's request, the Court deferred its determination of the restitution to be paid by Mr. Hild for a period of ninety (90) days, until April 27, 2023. *See* 18 U.S.C. § 3664(d)(5) (permitting restitution to be deferred 90 days in cases where the victims' losses "are not ascertainable by the date that is 10 days prior to sentencing"). When the government requested that the Court defer its restitution determination, it represented that "the affidavits provided by the victims and attached to this sentencing submission are not sufficiently detailed to determine which expenses the victims have incurred that are compensable," and that it would "meet and confer on the issue of restitution" with the Defense. Gov't Submission, Dkt. 144 at 19. According to Hild, however, despite prompting, the government did not seek to confer regarding restitution. *See* Def. Letter, April 26, 2023, Dkt. 163 at 2.

The government now seeks to rely upon the same affidavits it used to establish "loss" for the purposes of calculating Hild's Sentencing Guideline range in order to establish the amount owed in restitution—the very same affidavits it previously acknowledged were "not sufficiently detailed" to determine restitution at sentencing, *see* Gov't Submission, Dkt. 144 at 19. Using those loss amounts, the government seeks restitution from Hild in the amount of \$69,853,850.20, jointly and severally with his co-defendants. *See* Gov't Submission, Dkt. 161 at 1.

While the Court has ordered restitution in this action, *see Judgment*, Dkt. 148, it will not specify the amount without additional justification for doing so. Accordingly, no later than May 15, 2023, the government shall file a letter brief responding to Hild's objections to the proposed restitution amount. Hild may file any opposition by May 29, 2023, and the government may file a reply, if any, by June 5, 2023. Because the Court has ordered restitution in this action, it retains jurisdiction to set a restitution amount beyond the 90-day period. *See Dolan v. United States*, 560 U.S. 605, 611 (2010) (holding, where a district court has ordered restitution within the 90-day period under 18 U.S.C. § 3664(d)(5), but has not set an amount, that it retains jurisdiction to order the amount at a later date).

SO ORDERED.

Dated: April 26, 2023
New York, New York



Hon. Ronnie Abrams
United States District Judge